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11-13-2013

State of New York Public Employment Relations Board Decisions from November 13, 2013

New York State Public Employment Relations Board

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State of New York Public Employment Relations Board Decisions from November 13, 2013

Keywords

NY, NYS, New York State, PERB, Public Employment Relations Board, board decisions, labor disputes, labor relations

Comments

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**STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD**

In the Matter of

EUGENIA PINKARD,

Charging Party,

CASE NO. U-32300

- and -

UNITED FEDERATION OF TEACHERS,

Respondent,

- and -

**BOARD OF EDUCATION OF THE CITY
SCHOOL DISTRICT OF THE CITY OF NEW YORK,**

Employer.

EUGENIA PINKARD, *pro se*

**RICHARD E. CASAGRANDE, GENERAL COUNSEL (KEITH J. GROSS of
counsel), for Respondent**

**DAVID BRODSKY, DIRECTOR OF LABOR RELATIONS (JOHN WALLIN of
counsel), for Employer**

This case comes to the Board on a motion dated October 11, 2013, by Eugenia Pinkard requesting an extension of time to file exceptions, pursuant to §213.4 of our Rules of Procedure (Rules), to a decision of an Administrative Law Judge (ALJ) dated August 16, 2013, on an improper practice charge filed by Pinkard alleging that the United Federation of Teachers violated §§209-a.2(b) and (c) of the Public Employees'

Fair Employment Act (Act).¹

On August 20, 2013, copies of the ALJ's decision were mailed to the parties by certified mail, return receipt requested. Our records establish that the envelope addressed to Pinkard containing a copy of the ALJ's decision was returned to our office. As a result, a second copy of the decision was mailed to Pinkard by first class mail on September 23, 2013.

In support of her motion, Pinkard states that she did not receive the decision in a timely manner due to the instability of her housing accommodations that involves staying in the homes of various family members. Both UFT and the Board of Education of the City School District of the City of New York (District) oppose her motion.

DISCUSSION

Pursuant to §§213.2(a) and 213.4 of the Rules, exceptions must be filed with the Board within 15 working days after the receipt of a decision, and requests for an extension must be filed within the same time period. However, the Board has discretionary authority under §213.4 of the Rules to extend the time to request an extension of time to file exceptions upon a showing of extraordinary circumstances.² Extraordinary circumstances can be established through facts demonstrating that the failure to make a timely request for an extension was not the result of a neglectful error or the burdens of other professional obligations.³

¹ 46 PERB ¶4568 (2013).

² *Onondaga Comm Coll*, 11 PERB ¶3008 (1978); *CSEA (Abrahams)*, 43 PERB ¶3007 (2010).

³ *Bd of Educ of the City Sch Dist of the City of New York*, 42 PERB ¶3037 (2009); *NYSCOPBA (Hunter)*, 42 PERB ¶3038 (2009).

**STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD**

In the Matter of

**ADJUNCT FACULTY ASSOCIATION, NASSAU
COMMUNITY COLLEGE, Upon the Charge of
Violation of §210.1 of the Public Employees'
Fair Employment Act**

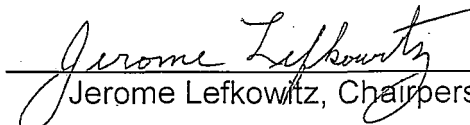
CASE NO. D-282


This case comes to the Board from the report and recommendations of an Administrative Law Judge (ALJ) pursuant to §206.7 of the Rules of Procedure (Rules) recommending that we grant a motion made by counsel for the charging party to withdraw the above-referred matter.

The record reveals that the motion to withdraw was filed in conjunction with the filing of a new charge against the Adjunct Faculty Association, Nassau Community College alleging that it violated of §210.1 of the Public Employees' Fair Employment Act (Act). The new charge has been processed and is pending before the ALJ. No party has objected to the charging party's motion to withdraw the above-captioned charge. After due consideration, the Board grants the motion to withdraw.

IT IS, THEREFORE, ORDERED that the above-referred charge is hereby withdrawn.

DATED: November 13, 2013
Albany, New York


Jerome Lefkowitz, Chairperson


Sheila S. Cole, Member

**STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD**

In the Matter of

**CIVIL SERVICE EMPLOYEES ASSOCIATION, INC.,
LOCAL 1000, AFSCME, AFL-CIO,**

Petitioner,

-and-

CASE NO. C-6142

PLAINEDGE UNION FREE SCHOOL DISTRICT,

Employer.

CERTIFICATION OF REPRESENTATIVE AND ORDER TO NEGOTIATE

A representation proceeding having been conducted in the above matter by the Public Employment Relations Board in accordance with the Public Employees' Fair Employment Act and the Rules of Procedure of the Public Employment Relations Board, and it appearing that a negotiating representative has been selected,

Pursuant to the authority vested by the Public Employees' Fair Employment Act,

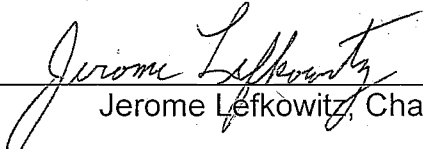
IT IS CERTIFIED that the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO has been designated and selected by a majority of the employees of the above-named public employer, in the unit and described below, as their exclusive representative for the purpose of collective negotiations and the settlement of grievances.

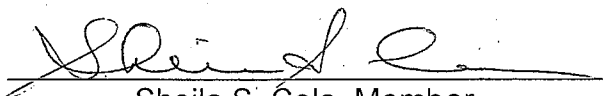
Included: All full-time Aides and School Monitors.

Excluded: All other employees.

FURTHER, IT IS ORDERED that the above named public employer shall negotiate collectively with the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO. The duty to negotiate collectively includes the mutual obligation to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written agreement incorporating any agreement reached if requested by either party. Such obligation does not compel either party to agree to a proposal or require the making of a concession.

DATED: November 13, 2013
Albany, New York


Jerome Lefkowitz, Chairperson


Sheila S. Cole, Member

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of

TEAMSTERS LOCAL 118, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS,

Petitioner,

-and-

CASE NO. C-6212

TOWN OF LYONS,

Employer.

CERTIFICATION OF REPRESENTATIVE AND ORDER TO NEGOTIATE

A representation proceeding having been conducted in the above matter by the Public Employment Relations Board in accordance with the Public Employees' Fair Employment Act and the Rules of Procedure, and it appearing that a negotiating representative has been selected,

Pursuant to the authority vested by the Public Employees' Fair Employment Act,

IT IS HEREBY CERTIFIED that the Teamsters Local 118, International Brotherhood of Teamsters has been designated and selected by a majority of the employees of the above-named public employer, in the unit agreed upon by the parties and described below, as their exclusive representative for the purpose of collective negotiations and the settlement of grievances.

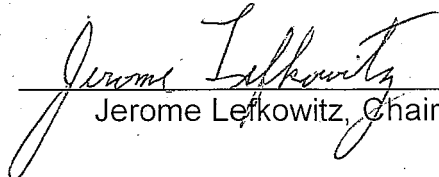
Included: All full-time and regular part-time hourly employees in the title of


Motor Equipment Operator and the MEO/Deputy Highway Superintendent.

Excluded: All others.

FURTHER, IT IS ORDERED that the above named public employer shall negotiate collectively with the Teamsters Local 118, International Brotherhood of Teamsters. The duty to negotiate collectively includes the mutual obligation to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written agreement incorporating any agreement reached if requested by either party. Such obligation does not compel either party to agree to a proposal or require the making of a concession.

DATED: November 13, 2013
Albany, New York


Jerome Lefkowitz, Chairperson


Sheila S. Cole, Member